

## **Remarks**

In the present response, two claims (31 and 35) are amended. Claims 1 – 30 and 37 – 81 are withdrawn. Applicants believe that no new matter is entered.

### **I. Claim Amendments (Claims 31 & 35)**

Claim 31 is amended to move a limitation (“for capturing a substantially comprehensive record of an immediate environment of a user”) from the preamble into the body of the claim. This amendment is not made in response to the Office Action or any art, but to ensure that this limitation forms part of the body of the claim and not merely the preamble.

Claim 35 is amended to move a limitation (“for querying a substantially comprehensive record of an immediate environment of a user”) from the preamble into the body of the claim. This amendment is not made in response to the Office Action or any art, but to ensure that this limitation forms part of the body of the claim and not merely the preamble.

### **II. Claim Rejections: 35 USC § 102**

Claims 31-36 are rejected under 35 USC § 102(e) as being anticipated by Ito et al. (USPN 6,302,795, hereinafter Ito). This rejection is traversed.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Ito neither teaches nor suggests each element in claims 31-36, these claims are allowable over Ito.

#### **Claim 31**

Independent claim 31 recites numerous limitations that are not taught or suggested in Ito. For example, claim 31 recites a portable device “for capturing a substantially comprehensive record of an immediate environment of a user.” By contrast, Ito does not teach or suggest a portable device that captures a substantially comprehensive record of an immediate environment of a user. Ito teaches a portable

terminal machine that controls the execution of a downloaded program depending on a usage time limit when a sub program downloaded from a video game machine is stored in the storage device. (See Ito Abstract).

Dependent claims 32-34 depend from claim 31 and thus inherit all the limitations of base claim 31. As such, claims 32-34 are also allowable over Ito. Further, these dependent claims contain numerous limitations not taught or suggested in Ito.

### **Claim 35**

Independent claim 35 recites numerous limitations that are not taught or suggested in Ito. For example, claim 35 recites a wearable device. Ito teaches a portable terminal machine, but not a wearable device.

As another example, independent claim 35 recites a wearable device “for querying a substantially comprehensive record of an immediate environment of a user.” By contrast, Ito does not teach or suggest a wearable device that queries a substantially comprehensive record of an immediate environment of a user. Ito teaches a portable terminal machine that controls the execution of a downloaded program depending on a usage time limit when a sub program downloaded from a video game machine is stored in the storage device. (See Ito Abstract).

Dependent claim 36 depends from claim 35 and thus inherits all the limitations of base claim 35. As such, claim 36 is also allowable over Ito. Further, this dependent claim contains numerous limitations not taught or suggested in Ito.

### CONCLUSION

In view of the above, Applicants believe claims 31-36 are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of June, 2004.

By Be Henry  
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